

**THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

MICHAEL J. ROSS

Case No. 1:15-CV-01506-NLH-JS

Plaintiff

**PLAINTIFF'S REPLY TO
DEFENDANT KENNETH HAYES
AUGUST 26, 2015 LETTER**

-v-

HAYT, HAYT & LANDAU, LLC
KENNETH HAYES
CHRISTOPHER J. FOX
JANE & JOHN DOES 1-10; Employees
of HAYT, HAYT & LANDAU, LLC

CLERK
U.S. DISTRICT COURT
DISTRICT OF NEW JERSEY
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AUG 31 P 2:39

Defendant(s)

Michael James Ross
P.O. Box 847
Alloway, NJ 08001
609-217-8143

LAW OFFICE OF
HAYT, HAYT & LANDAU, LLC
TWO INDUSTRIAL WAY WEST
P.O. BOX 500
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**PLAINTIFF'S REPLY TO DEFENDANT KENNETH HAYES
AUGUST 26, 2015 LETTER**

Now comes Plaintiff and files his reply to the August 26, 2015 letter filed by the Defendant KENNETH HAYES Document 16. Plaintiff files this reply so as to: (1) correct the record; and (2) clear the record of misleading, materially incomplete information and misrepresentation by Defendant(s). Plaintiff regrets that the Defendant KENNETH HAYES still chose to continue to burden this court with misleading, misrepresentations and diversionary material. Plaintiff makes this reply as follows:

1. Plaintiff notices that the Defendant KENNETH HAYES's August 26, 2015 letter to Judge Hillman state "Attached find Judge Kugler recent opinion Zieger v Cambece, 2015

WL 364727 (D.N.A. June 12, 2015). In Zieger, the Court held that a collections law firm had a permissible reason to access the plaintiff's credit report". This statement that a collections law firm had a permissible reason to access the plaintiff's credit report is nowhere in Judge Kugler's opinion. Here again the Defendant is attempting to mislead the court by inferring something that is unfounded.

2. Defendant KENNETH HAYES's August 26, 2015 letter also states that "For the reason explained in the Defendants' moving briefs, Mr. Ross' FCRA claim suffers from the same incurable defect". This is incorrect, there is no incurable defect. Even in Judge Kugler's recent opinion, section 4 it states that "Rather than allege that Defendants were not collecting a debt, Plaintiff claims they were not permitted to access his credit report on account of being debt collectors".
3. The Plaintiff has stated in his pleadings that the defendant(s) were not collecting on a debt and they were not collecting on an account. As stated in "Plaintiff's Response To Defendant Motion To Dismiss" (*see* Plaintiff's Response, Document 7), "Here, in this matter, Defendants are not collecting on an account and they are not collecting on an ***outstanding debt***, so the law quoted does not apply". The "Plaintiff's Response To Defendant Motion To Dismiss" explains this fully, *see* Plaintiff's Response, Document 7.
4. Here again the Defendant(s) is trying to trick this Court into believing that its activities is "collection of an account", when in fact they were not collecting on an account.
5. Again the Defendant(s) is trying to trick this Court into believing that their purpose as debt collectors in this matter was "for the purpose of collecting an outstanding debt", when in fact there is no outstanding debt and they were not collecting on a debt, *see* Plaintiff's Response, Document 7.

6. The fact still remain that the Defendant(s) has misrepresented, placed false statements into the record and Defendant(s) have stated no valid defense thereto. The recent opinion of Judge Kugler does not cure these issues and does not apply here in this matter. Defendant(s) are attempting to divert the Court's attention and are misleading the court about the facts of the matter.
7. It is evident that Defendant Kenneth Hayes August 26, 2015 letter again shows that only the Defendant Kenneth Hayes has appeared in this case. As stated in Plaintiff's response, "Objection and Motion to Strike" and Plaintiff's Request To Clerk For Entry Of Default Against Defendants CHRISTOPHER J. FOX Document 9 and [LAW OFFICES OF] HAYT, HAYT & LANDAU, LLC Document 8, the record of this case is still void of any document filed by these Defendants as *pro se* and is likewise void of a Power of Attorney or Notice of Appearance whereby an attorney is authorized to represent said Defendants.

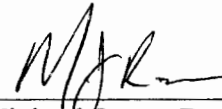
CONCLUSION

The Defendant KENNETH HAYES shows a continued pattern of deception, making false *statements* and *misrepresenting* here in the United States District Court for the District of New Jersey. The Defendant(s) again is equally liable for what he writes, what he says and what he does. This deceptive conduct, behavior and false statements of the Defendant KENNETH HAYES are the reasons for the Plaintiff's Verified Complaint. Here again the Defendant(s) is attempting to get the court's eyes off the claims that are before it now by introducing the recent opinion which does not apply here in this matter. For the reasons set forth herein and Plaintiff's previous Responses, the Defendant Kenneth Hayes and/or Defendants' Motion To Dismiss and request to deny Plaintiff's leave to amend should be denied and default should be entered for all Defendants except Kenneth Hayes.

WHEREFORE, Plaintiff requests that the Defendants' Motion to Dismiss and request to deny Plaintiff's leave to amend be denied. Further as there remains no declaration or Notice of Appearance of Defendants Christopher J. Fox and [LAW OFFICES OF] HAYT, HAYT & LANDAU, LLC, Plaintiff request that default be entered by the court.

Submitted with Respect,

Date 8/31/2015

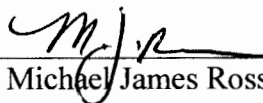


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VERIFICATION

I verify with firsthand knowledge that the statements herein the foregoing "PLAINTIFF'S
REPLY TO DEFENDANT KENNETH HAYES August 26, 2015 Letter" are true and correct as
to my own knowledge and are presented to this Court in good faith.

Date: 8/31/2015



Michael James Ross

CERTIFICATE OF SERVICE

I certify that a copy hereof has been furnished to all parties listed below by the method indicated for each party.

HAYT, HAYT & LANDAU, LLC

Certified Mail # 7015 0640 0007 4862 0952

Kenneth Hayes

Certified Mail # 7015 0640 0007 4862 0969

Christopher J. Fox

Certified Mail # 7015 0640 0007 4862 0976

LAW OFFICES OF

HAYT, HAYT & LANDAU, LLC

TWO INDUSTRIAL WAY WEST- P.O. BOX 500

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Done this 31 day of August, 2015 by MJ.R.